

Message Text

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PAGE 01 STATE 115413
ORIGIN EB-08

INFO OCT-01 IO-13 ISO-00 AF-10 ARA-10 EA-10 EUR-12
NEA-11 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00
ICAE-00 INRE-00 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 COME-00 DLOS-09 DOTE-00 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
JUSE-00 L-03 NSF-01 OES-07 OMB-01 PA-01 PM-05
SP-02 SS-15 /173 R

DRAFTED BY EB/BP:AADAMS/AD
APPROVED BY D/LOS:ABERLIND
TREASURY:HJUNZ
TREASURY:MBLAKE
EB/ICD:AKOBLER
EB/BP:HWINTER
L/EB:GLEHNER
L/OES:MEHOINKES
DOD/PTO:DHOINKES
S/P:HBLANEY
OES/OFA/OCA:TSCULLY
COMMERCE:TKRONMILLER (INFO)
-----030501 052346Z /65
O 052159Z MAY 78
FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE

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FOR US DEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: TRANSFER OF TECHNOLOGY
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PAGE 02 STATE 115413

REF: GENEVA 5877, GENEVA 6350, GENEVA 6351

1. WE WOULD APPRECIATE CLARIFICATION OF US STATEMENT ON
TECHNOLOGY TRANSFER OF APRIL 17 AND ITS RELATIONSHIP TO EC
PROPOSAL ON CONCILIATION AS PRESENTED BY DANES. US DID NOT
REFER TO CONCILIATION PROCEDURE BUT STATED THAT IT MAY BE

DESIRABLE TO PROVIDE IN THE CONTRACT AN OBLIGATION TO NEGOTIATE ARRANGEMENTS TO MAKE THE TECHNOLOGY AVAILABLE TO THE ENTERPRISE ON FAIR COMMERCIAL TERMS AND CONDITIONS.

2. THIS COULD BE INTERPRETED TO GO BEYOND AN OBLIGATION ONLY TO MAKE A GOOD FAITH EFFORT TO NEGOTIATE A REASONABLE TRANSFER AGREEMENT WITH THE ENTERPRISE. LIKEWISE, CONCILIATION AS ELABORATED BY THE DANES APPEARS TO GO BEYOND MAKING A RECOMMENDATION ON WHETHER THE MINER HAD MADE SUCH A GOOD FAITH EFFORT. EC PROPOSAL COULD BE READ TO FOCUS CONCILIATION ON REASONABLENESS OF SPECIFIC TERMS AND CONDITIONS INSTEAD, THEREBY ALLOWING FOR RECOMMENDATIONS ON THE MERITS OF TECHNOLOGY TRANSFER TERMS THEMSELVES. IF THIS INTERPRETATION PREVAILED, CONTRACTOR MIGHT FEEL PRESSED TO TRANSFER ON TERMS RECOMMENDED BY CONCILIATION COMMITTEE -- OR FACE

THE PROSPECT OF FUTURE RETALIATION BY THE AUTHORITY/ENTERPRISE IN REFUSING TO APPROVE APPLICATIONS FOR ADDITIONAL SITES.

3. WOULD WELCOME YOUR COMMENTS ON ABOVE, ESPECIALLY INCLUDING WHAT INFERENCES MAY BE DRAWN BY OTHERS FROM OMISSION OF TRADITIONAL PHRASE QTE GOOD FAITH UNQTE FROM FORMULA PUT FORWARD BY US (PENULTIMATE PARA GENEVA 5877). WE STRESS THAT THERE IS CONCERN ON THIS POINT IN SOME AGENCIES HERE.
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4. ALTHOUGH IT IS SOMEWHAT PREMATURE TO RAISE MORE TECHNICAL QUESTIONS AT THIS STAGE, IT MIGHT BE USEFUL TO BEGIN CONSIDERING WHETHER CONFERENCE PARTICIPANTS, IN DISCUSSING TECHNOLOGY TRANSFER, ARE ASSUMING ANY PARTICULAR TYPE OF ARRANGEMENT, SUCH AS SALE OR SOME VARIANT ON LICENSING. ADDITIONAL QUESTIONS FOR PRELIMINARY EXAMINATION ARE: (A) WHETHER THE TECHNOLOGY TO BE TRANSFERRED CONSISTS ONLY OF THOSE ASPECTS UNIQUELY RELEVANT TO DEEP SEABED MINING OR OTHER POSSIBLE APPLICATIONS OF THE TECHNOLOGY AS WELL, I.E. WHAT SHOULD BE OUR POSITION ON MULTIPLE USE TECHNOLOGY, IF ANY; (B) WHAT ACTIONS ARE ENVISAGED BY WHICH THE MINER FACILITATES THE TRANSFER OF TECHNOLOGY THAT HE DOES NOT OWN; AND (C) WHETHER FAILURE TO NEGOTIATE TRANSFER OR TO REACH AGREEMENT COULD BE CITED BY THE AUTHORITY AS GROUNDS FOR CANCELLING A SIGNED CONTRACT FOR EXPLORATION AND EXPLOITATION. BELIEVE WE WILL WANT TO DISCUSS THESE ISSUES AND THEIR RELEVANCE TO THE NEGOTIATIONS BEFORE THE NEXT SESSION.

CHRISTOPHER

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PAGE 01 STATE 115413
ORIGIN EUR-12

INFO OCT-01 ISO-00 /013 R

66011
DRAFTED BY:EUR/RPE:RLAMANTIA
APPROVED BY:EUR/RPE:PMCLEAN
-----077769 120559Z /15

R 120415Z MAY 78
FM SECSTATE WASHDC
INFO AMEMBASSY BRUSSELS 8994

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USEEC

FOL STATE 115413 SENT ACTION GENEVA MAY 5, 1978 REPEATED TO
YOU QUOTE

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FOR US DEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: TRANSFER OF TECHNOLOGY

REF: GENEVA 5877, GENEVA 6350, GENEVA 6351

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TECHNOLOGY TRANSFER OF APRIL 17 AND ITS RELATIONSHIP TO EC
PROPOSAL ON CONCILIATION AS PRESENTED BY DANES. US DID NOT
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DESIRABLE TO PROVIDE IN THE CONTRACT AN OBLIGATION TO NEGOTIATE
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Message Attributes

Automatic Decaptioning: Z
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Concepts: LAW OF THE SEA, INSTRUCTIONS, TECHNOLOGICAL EXCHANGES, SPEECHES, RELATIONS WITH REGIONAL ORGS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 may 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
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Executive Order: N/A
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Format: TEL
From: STATE
Handling Restrictions:
Image Path:
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Line Count: 220
Litigation Code IDs:
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SAS ID: 2774141
Secure: OPEN
Status: NATIVE
Subject: LOS: TRANSFER OF TECHNOLOGY LIMITED OFFICIAL USE LIMITED OFFICIAL USE
TAGS: PLOS, EEC
To: GENEVA
Type: TE
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Sheryl P. Walter
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